

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PHIL NEUMAN,

Plaintiff,

20-cv-10723 (PKC)

-against-

ORDER

JOSE GARCIA, et al.,

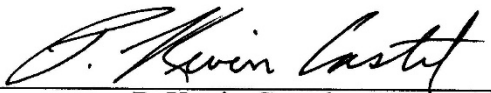
Defendants.
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CASTEL, U.S.D.J.

Plaintiff had previously commenced an action in Luxembourg and defendants filed an action also in Luxembourg on the day of the mediation, which was disclosed at the mediation. Presumably, plaintiff would have had nothing about which to complain if it had been commenced a few days before the mediation or hours after the conclusion of an unsuccessful mediation. Nor would plaintiff have had any complaint if defendants, instead of commencing on the day of the mediation, announced at the mediation that they intended to commence (or were considering commencing) a suit in Luxembourg. Defendants' timing was sub-optimal, but the Court sees no sanctionable conduct on the part of defendants.

Now that the parties have had a better opportunity to understand the pending litigation, they should return to mediation. Please jointly update the Court by letter (but not posted on ECF) within 14 days.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
November 5, 2021